UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,807	09/22/2003	Rodney Boyd	1.912.4	2168

7590 10/06/2005

Henry E. Naylor & Associates
P.O. Box 86060
Baton Rouge, LA 70879-6060

EXAMINER	
LAMB, BRENDA A	
ART UNIT	PAPER NUMBER
1734	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/667,807	BOYD, RODNEY	
	Examiner	Art Unit	
	Brenda A. Lamb	1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 7/11/2005.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rouguie in view of Holman and Hines.

Rouguie teaches system for hot-dip galvanizing metal components, the system comprising: a) a lifting device detachably attached to a lifting bow by an attaching means; b) a lifting bow detachably attached to the lifting device, the lifting bow having a first face, a second face, a top section, a bottom section, and two side sections, wherein the bottom section is substantially broader than the top section, and wherein the top section as depicted in Figure 1 contains a cutout for receiving the attaching means of the lifting device, and wherein the bottom section having a plurality of means for hanging metal components to be galvanized, and a tank containing a molten metal galvanizing composition, the tank as depicted in Figure 1 being of sufficient size to receive a sufficient amount of molten galvanizing composition to submerge at least a portion of the bottom section of the lifting bow into the molten metal galvanizing composition. Rouguie fails to teach the lifting bow being comprised of plate metal of at least about 0.25 inches thick and fails to teach the plurality of hanging means are cutouts along the bottom section of the lifting bow. However, it would have been an obvious to one having ordinary skill in the art at the time the invention was made to

construct the lifting device from a metal, since it has been held to be within the ordinary skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416. Further, it would have been an obvious matter of design choice to construct the lifting bow of at least about 0.25 inches thick, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose 105 USPQ 237 (CCPA 1955). Alternatively, it would have been prima facie obvious to construct the lifting bow such that it has a thickness of about 0.25 inches for the obvious advantage of increasing the rigidity of the lifting bow thereby increasing the structural stability of the lifting bow. Further, it would have been obvious to modify the Rouquie lifting bow in the Rouquie system by providing as the hanging means a plurality of cutouts along the bottom section of the lifting bow such as taught by Holman and Hines obviously dependent on the configuration of the metal components for the obvious advantage of simplicity in design.

Applicant's arguments filed 7/11/2005 have been fully considered but they are not persuasive.

Applicant's arguments that Holman and Hines are non-analogous art with respect to Rouquie is found to be non-persuasive. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or

motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Holman and Hines taken together or even separately would have suggested of ordinary skill in the art to arrange cut-outs or notches along the bottom section of a suspended holding means to enable one to hold a suspended object. Therefore, it would have been obvious to modify the Rouquie lifting bow in the Rouquie system by providing as the hanging means a plurality of cutouts along the bottom section of the lifting bow such as taught by Holman and Hines for the obvious advantage of providing a simplistic design to enable one to secure components having different metal component configurations such as one with its own auxiliary hanging means, a string or integral hook, along the bottom section of the Rouquie lifting bow.

Applicant's argument that Holman and Hines each teach a V shaped notch not a cutout as set forth in the instant claims and is found to be non-persuasive. The term "cutout" as defined by The American Heritage Dictionary, Second College Edition (1982) is defined broadly as "something cut out or intended to be cut out" and the term "notch" as defined by The American Heritage Dictionary, Second College Edition (1982) is defined is a "v shaped cut" and thereby cut as shown in figures of Holman and Hines each read on a cutout in that the material is the cut on the Holman and Hines suspending means reads on a cutout.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Brenda A. Lamb at telephone number (571) 272-1231. The examiner can normally be reached on Monday and Wednesday thru Friday with alternate Tuesdays off.

Brenda A Lamb
Examiner
Art Unit 1734